

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Nicholaus Samora

v.

Civil No. 07-cv-189-JL

Larry Blaisdell, Warden,
Northern New Hampshire
Correctional Facility

O R D E R

Before the Court is Samora's petition for a writ of habeas corpus (document no. 1). The matter previously came before this Court for preliminary review to determine whether or not Samora had raised claims cognizable in a federal habeas action. On July 30, 2007, I issued an Order (document no. 3) directing Samora to amend his petition to demonstrate that all of the claims raised therein had been properly exhausted in the state courts. Samora complied with that Order by electing to forego his unexhausted claims.

As I have previously found that Samora has properly demonstrated that his remaining claim, challenging his conviction and sentence on double jeopardy grounds, has been properly exhausted, I now direct that this action proceed. Accordingly, the petition shall be served upon the Respondent, which shall

file an answer or other pleading in response to the allegations made therein. See Rule 4 of the Rules Governing § 2254 Proceedings ("§ 2254 Rule 4") (requiring reviewing judge to order a response to the petition).

The Clerk's office is directed to serve the New Hampshire Office of the Attorney General, as provided in the Agreement on Acceptance of Service, copies of this Order, the original habeas petition (document no. 1), this Court's Order to amend (document no. 3), petitioner's motion to forego unexhausted claims (document no. 4), and petitioner's motion to correct the record (document no. 5).¹ Respondent will answer or otherwise plead within thirty (30) days of the date of this Order. The answer shall comply with the requirements of § 2254 Rule 5 (setting forth contents of the answer).

Upon receipt of the response, the Court will determine whether a hearing is warranted. See § 2254 Rule 8 (providing circumstances under which a hearing is appropriate).

Petitioner is referred to Fed. R. Civ. P. 5, which requires that every pleading, written motion, notice, and similar paper, after the petition, shall be served on all parties. Such service

¹Both of the motions filed by Petitioner have been granted.

is to be made by mailing the material to the parties' attorney(s).

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: January 31, 2008

cc: Nicholaus Samora, pro se